

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JAMES F. NEWPORT,

Plaintiff,

v.

STEPHEN DONALD GROSS, et al.,

Defendants.

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No. 09-0476-CV-W-DGK

**ORDER DENYING MOTION TO SET ASIDE JUDGMENT**

This lawsuit arose out of Plaintiff *pro se* James Newport's ("Mr. Newport") relationships with various employers, co-workers, fellow union members, and neighbors. The Court dismissed Mr. Newport's Third Amended Complaint (Doc. 43) ("the Complaint") on February 16, 2012 for failure to state a claim. The Complaint named approximately twenty-seven defendants in seven disparate causes of action. Mr. Newport alleged violations of the civil RICO statute, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Energy Reorganization Act, the Americans with Disabilities Act, and the Civil Rights Acts of 1871 and 1964. Mr. Newport also brought a state law claim for defamation stemming from a dispute with his neighbors over cottonwood trees. The common thread in these claims is Mr. Newport's belief that Defendants all harmed him in some way.

Now before the Court is Newport's "Rule 60 Motion to Set Aside Judgment" (Doc. 180). Newport argues the Court should set aside the February 16 judgment because it was allegedly "procured by extrajudicial intimidation and obstructions by defendants in concert with each other by them and their agents to deprive Complainant of access to the courts."

The Court finds that the judgment was not procured by extrajudicial intimidation. The Complaint failed to state a claim upon which relief could be granted against Defendants Millwrights Local 1529, Frank Anderson, and Aeron Christensen, thus the Court was required to dismiss it. The Court also finds no evidence that any Defendants or their agents acted to deprive Mr. Newport of access to the courts.

Accordingly, the motion to set aside the judgment is DENIED.

**IT IS SO ORDERED.**

Date: February 20, 2013

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT